



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION III  
1650 Arch Street  
Philadelphia, Pennsylvania 19103-2029

NOV 09 2017

Mr. David B. Burritt  
President and CEO  
United States Steel Corporation  
600 Grant Street  
Pittsburgh, PA 15219

**Re: Clean Air Act Notice of Violation/Notice of Noncompliance  
Docket No. CAA-III-18-0002**

Dear Mr. Burritt:

The United States Environmental Protection Agency, Region III (EPA Region III), in accordance with Section 113(a)(1) of the Clean Air Act (CAA), 42 U.S.C. § 7413(a)(1), is issuing the attached Notice of Violation/Notice of Noncompliance (NOV) to United States Steel (USS) for alleged CAA violations at the Edgar Thomson Works, in Braddock, Pennsylvania. The violations include multiple observed exceedances of the visible emission limits contained in the Allegheny County portion of the Pennsylvania State Implementation Plan (SIP), certain provisions of the National Emission Standards for Hazardous Air Pollutants for Integrated Iron and Steel Manufacturing set forth in 40 CFR Part 63, Subpart FFFFF, and other violations of requirements applicable to the Edgar Thomson Works in the Allegheny County portion of the Pennsylvania SIP and a CAA Title V permit. The specific violations are set forth in detail in the NOV.

EPA Region III has worked with the Allegheny County Health Department (ACHD) to issue this NOV. EPA and ACHD are offering USS the opportunity to confer with EPA Region III and ACHD to discuss the enclosed NOV and efforts by USS to return the Edgar Thomson Works to full CAA compliance status.

If you would like to request an NOV conference, please contact Jim Hagedorn of the Air Protection Division, at (215) 814-2161, or have your attorney contact Doug Snyder, Assistant Regional Counsel, at (215) 814-2692. Please note that such a conference must be requested no later than fourteen (14) days after your receipt of this letter.

Sincerely,

A handwritten signature in black ink, appearing to read "Cristina Fernandez", is written over a horizontal line.

Cristina Fernandez  
Director, Air Protection Division

Enclosures (3)

cc: (with enclosures)

James L. Kelly  
Deputy Director  
ACHD Bureau of Environmental Health  
301 39<sup>th</sup> St. Bldg. 7  
Pittsburgh, PA 15201

Jayme Graham  
Air Program Manager  
Air Quality Program  
ACHD  
301 39<sup>th</sup> St., Bldg 7  
Pittsburgh, PA 15201

Michael Dzurinko  
Plant Manager  
Edgar Thomson Works  
13<sup>th</sup> St. and Braddock Ave.  
Braddock, PA 15104

Susan Foster  
Compliance and Enforcement Division  
Bureau of Air Quality  
Pennsylvania DEP  
Rachel Carson Office Bldg.  
400 Market St.  
Harrisburg, PA 17101

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION III  
1650 Arch Street  
Philadelphia, Pennsylvania 19103-2029**

**IN THE MATTER OF:**

<b>United States Steel Corporation</b>	:	
	:	<b>NOTICE OF VIOLATION/</b>
	:	<b>NOTICE OF NONCOMPLIANCE</b>
<b>Edgar Thomson Plant</b>	:	
<b>13<sup>th</sup> Street and Braddock Ave.</b>	:	<b>EPA Docket No. CAA-III-18-0002</b>
<b>Braddock, PA 15104</b>	:	
	:	<b>Pursuant to the Clean Air Act</b>
	:	<b>42 U.S.C. §§ 7401 et seq.</b>
	:	

**STATUTORY AUTHORITY**

This Notice of Violation/Notice of Noncompliance (hereinafter "Notice") is issued under Section 113(a) of the Clean Air Act ("CAA" or the "Act"), 42 U.S.C. § 7413(a), to United States Steel Corporation ("USS" or "Respondent"), as the owner and operator of the Edgar Thomson steel mill located in Braddock, Pennsylvania (the "Facility"). This Notice alleges past and potentially continuing violations of federally-enforceable provisions of the Allegheny County portion of the Pennsylvania State Implementation Plan ("SIP"), the Facility's CAA Title V operating permit, the National Emission Standard for Hazardous Air Pollutants for Integrated Iron and Steel Manufacturing Facilities (the "Iron and Steel MACT" or "Subpart FFFFF"), and other provisions of the CAA and its regulations. These violations are set forth more specifically below.

Section 113(a)(1) of the Act provides that whenever the Administrator finds that any person has violated or is in violation of any requirement or prohibition of an applicable state implementation plan or permit, the Administrator shall notify the person and the State of such violation, and thirty (30) days after issuance of the notice, may (1) issue an order requiring such person to comply, (2) issue an administrative penalty order in accordance with Section 113(d) of the Act, or (3) bring a civil action in accordance with Section 113(b).

A description of the relevant statutory and regulatory background, facts, and a list of the specific violations identified by EPA and the Allegheny County Health Department ("ACHD") at this time are outlined below. The geographical jurisdiction of EPA Region III includes the Commonwealth of Pennsylvania, which includes Allegheny County.



## FINDINGS OF FACT

1. At all times relevant to this Notice, USS has owned and operated the Edgar Thomson Facility. The Facility, among other operations, produces steel slabs from raw materials using blast furnaces and a Basic Oxygen Process Shop equipped with a continuous caster.
2. The Edgar Thomson Facility is located in Braddock, Pa., which is in Allegheny County. Allegheny County has its own regulations that are contained in the Pennsylvania State Implementation Plan ("SIP"). These regulations were approved by EPA as part of the Pa. SIP and are therefore enforceable by EPA. *See* 40 CFR § 52.2020(c)(2). EPA also approved the Title V program submitted by the Commonwealth of Pennsylvania on behalf of Allegheny County pursuant to 40 CFR Part 70.
3. USS is a corporation incorporated in the State of Delaware and therefore a "person" as that term is defined in Section 302(e) of the Act, 42 U.S.C. § 7602(e).
4. At all times relevant to this Notice, the Facility has been a "major stationary source" of air pollutants, as defined in Section 302(j) of the CAA, 42 U.S.C. § 7602(j), because it emits or has the potential to emit one hundred tons per year or more of any air pollutant, including Oxides of Nitrogen ("NO<sub>x</sub>") and Volatile Organic Compounds ("VOCs"). According to the ACHD, the Facility is a major source of particulate matter ("PM"), fine particulate matter ("PM<sub>2.5</sub>"), coarse particulate matter ("PM<sub>10</sub>"), sulfur oxides ("SO<sub>x</sub>"), hazardous air pollutants ("HAPs"), VOCs and carbon monoxide ("CO").
5. As a major stationary source, the Facility has a CAA Title V permit, which was issued by ACHD on April 13, 2016. Prior to this time, the Facility was operating under other permits issued by ACHD.
6. The ACHD regulations include Article XXI, § 2104.01, entitled "Visible Emissions." Section 2104.01.a states that "No person shall operate, or allow to be operated, any source . . . in such a manner that the opacity of visible emissions from a flue or process fugitive emissions from such source, excluding uncombined water: 1. [e]qual or exceed an opacity of 20% for a period or periods aggregating more than three (3) minutes in any 60 minute period; or 2. [e]qual or exceed an opacity of 60% at any time."
7. Article XXI, § 2104.01 is included in the EPA-approved SIP for Pennsylvania (including Allegheny County) and is therefore federally-enforceable. 40 CFR § 52.2020(c)(2); 67 FR 68935 (Nov. 14, 2002).

8. "Source" is defined as "any place, structure, building, facility, equipment, installation, operation, activity or other thing or any combination thereof: a. [a]t, from, or by reason of which there may be emitted into the outdoor atmosphere any air contaminant; b. [w]hich is located on one or more contiguous or adjacent properties; and c. [w]hich is owned, operated, or allowed to be operated by the same person or by persons under common control or which is jointly owned, operated, or allowed to be operated by two or more persons, but not including [emissions from internal combustion engines or nonroad engines]." ACHD Article XXI, § 2101.20. ACHD Article XXI, § 2101.20 was approved by EPA as part of the Pennsylvania SIP (which includes Allegheny County) on November 14, 2002. 40 CFR § 52.2020(c)(2); 67 FR 68935.
9. Article XXI, § 2104.01 applies to both blast furnaces Nos. 1 and 3 and both scrubber stacks at the Basic Oxygen Process ("BOP") Shop for the control of primary emissions.
10. On the dates listed below, a certified visible emission reader from EPA or ACHD took Method 9 opacity readings on either the brown-colored scrubber stack ("Br") or the white-colored scrubber stack ("Wh") at the BOP Shop. The results of those readings are shown below:

Date	Time Period	Num. of Readings	Max Opacity	Reader's	Stack
	Observed	("Rdgs")	Observed	Name	
2-2-16	2:35 PM-3:05 PM	25 Rdgs= 6.25 mins.	Max=75%	E. Gerst	Br
3-9-16	10:30-10:39 AM	36 Rdgs= 9 mins.	Max=65%	J. Hagedorn	Br
3-9-16	1:03 PM-1:11 PM	27 Rdgs= 6.75 mins.	Max=55%	J. Hagedorn	Br
7-28-16	10:20 – 11:00 AM	40 Rdgs= 10 mins.	Max = 100%	F. Morros	Br
8-26-16	2:18 PM-2:48 PM	23 Rdgs= 5.75 mins.	Max=50%	J. Hagedorn	Br
10-14-16	1:00 PM – 2:00 PM	38 Rdgs= 9.5 mins.	Max=45%	N. Basher	Br

11. Based on the readings in paragraph 10 above, USS violated the 60% opacity limit in ACHD Article XXI, § 2104.01.a.2 on February 2, March 9, and July 28, 2016. On all the dates above, USS also violated the no more than 20% opacity for 3 minutes limit in Article 21, § 2104.01.a.1. The above violations occurring after April 13, 2016 are violations of the CAA, Pennsylvania's SIP regulations, and section IV.1 of the Facility's Title V permit. The violations above occurring before April 13, 2016 are violations of Pennsylvania's SIP and the CAA.



12. In addition to the above listed violations, on the dates shown below, certified smoke readers of the ACHD documented the following visible emission readings using Method 9 from Blast Furnaces ("BF") numbers 1 and 3:

Date	Time Period	# Opacity Readings (Rdgs)	Maximum	Observer	Furnace
12-20-16	1:40- 2:10pm	58 Rdgs = 14.5 min.	100% Opacity	N. Basher	BF 1
5-4-17	1:35-2:14pm	70 Rdgs = 17.5 min	85% Opacity	D. Kelley	BF 3
5-5-17	1:30-2:19pm	103 Rdgs = 25.75 min	100% Opacity	D. Kelley	BF 1
6-5-17	1:30-2:30pm	6 Rdgs = 1.5 min	60% Opacity	D. Kelley	BF 3
6-8-17	12:00-1:00pm	240 Rdgs = 60 min	100% Opacity	D. Kelley	BF 3
6-13-17	1:30-2:30pm	28 Rdgs = 7 min	60% Opacity	D. Kelley	BF 3
7-10-17	12:00-12:53pm	180 Rdgs = 45 min	85% Opacity	D. Kelley	BF 3
7-12-17	12:45-1:43pm	229 Rdgs = 57.25 min	100% Opacity	D. Kelley	BF 1

13. Based on the readings listed in paragraph 12 above, the BF's listed violated the 60% opacity limit in Article XXI, § 2104.01.a.2 on December 20, 2016; May 4, 5; June 5, 8, 13; and July 10, 12, 2017. The same readings show that the BF's listed above violated the three minute, 20% opacity limit in Article XXI, § 2104.01.a.1 on the following dates: Dec. 20, 2016; and May 4, 5, June 8, 13, and July 10, 12, 2017. All of these violations are also violations of the CAA, the Pennsylvania SIP and Section IV.1 of the Facility's Title V permit.

14. On the dates shown below, a certified smoke reader of the ACHD documented the following visible emission readings using Method 9 from the sources listed below:

Source	Time Period	Date	# opacity readings	Maximum	Observer
BOP Shop	1:30-2:30	6-6-17	47 Readings (11.75 min)	75% Opacity	D. Kelley
BOP Shop	1:00-2:00	6-20-17	87 Readings (21.75 min)	35% Opacity	D. Kelley
BOP Scrubber	12:48-1:18	6-22-17	75 Readings (18.75 min)	100% Opacity	D. Kelley

15. Based on the readings in paragraph 14 above, USS violated the 60% opacity limit in Article XXI, § 2104.01.a.2 at the BOP Shop on June 6, 2017, and violated the 20% limit in Article XXI, § 2104.01.a.1 at the BOP Shop on June 6 and 20, 2017. USS also violated the 60% opacity limit in Article XXI, § 2104.01.a.2 and the 20% opacity limit in § 2104.01.a.1 at both the brown and the white BOP scrubber stacks on June

- 22, 2017. These are all violations of the Pennsylvania SIP, ACHD regulations, Section IV.1 of the Facility's title V permit, and the CAA.
16. In accordance with Section 112 of the Act, EPA promulgated the National Emission Standards for Hazardous Air Pollutants for Integrated Iron and Steel Manufacturing Facilities. *See* 40 CFR Part 63, Subpart FFFFFF; 68 FR 27663 (May 20, 2003).
  17. The Facility is subject to Subpart FFFFFF because it is an integrated iron and steel manufacturing facility that emits or has the potential to emit more than 10 tons per year of any single HAP, or 25 tons per year or more of any combination of HAPs. 40 CFR § 63.7781.
  18. Subpart FFFFFF applies to each existing or new "affected source" at an integrated iron and steel manufacturing facility. 40 CFR § 63.7782(a). Affected sources include sinter plants, blast furnaces, and Basic Oxygen Process Furnaces (BOPF) at the facility. 40 CFR § 63.7782(b). Subpart FFFFFF covers emissions from, among other things, blast furnace casthouses, BOP shops, and BOP shop ancillary operations. 40 CFR § 63.7782(c).
  19. On May 23, 2016, EPA sent USS a CAA section 114 information requirement letter concerning the visible emissions observed by EPA personnel. Based on USS's July 22, 2016 response to that letter, EPA is also alleging certain violations of Subpart FFFFFF, as set forth below. These violations are not violations of the Pennsylvania SIP and therefore do not require notice under Section 113(a)(1) of the CAA, but EPA is providing USS the opportunity to also discuss these violations.
  20. Subpart FFFFFF, § 63.7830(c) states, "For each venturi scrubber subject to the operating limits for pressure drop and scrubber water flow rate in § 63.7790(b)(2), you must install, operate, and maintain a Continuous Parametric Monitoring System (CPMS) according to the requirements in § 63.7831(g) and monitor the hourly average pressure drop and water flow rate according to the requirements in § 63.7832." Section 63.7790(b)(2) requires that any venturi scrubber used to meet a particulate limit in Table 1 of Subpart FFFFFF must maintain the hourly average pressure drop and scrubber water flow rate at or above the minimum levels established during the initial performance test.
  21. Section 63.7831(b) states, "Unless otherwise specified, each CPMS must: (1) Complete a minimum of one cycle of operation for each successive 15-minute period and collect a minimum of three of the required four data points to constitute a valid hour of data; (2) Provide valid hourly data for at least 95 percent of every averaging period; and (3) Determine and record the hourly average of all recorded readings" (emphasis added).
  22. USS's answers to questions 4 and 5 of EPA's 114 letter show that the Facility is sometimes averaging pressure drops and water flow rates for the venturi scrubber in periods of time greater than one hour.



23. In response to question 4 of the 114 letter, USS reported for the period of April 12, 2016 to May 26, 2016, that on the following dates, the average pressure drop and water flow rate were not always averaged in 1-hour periods and were averaged in periods of 5 hours or more: 4/13/16, 4/30/16, 5/4/16, and 5/10/16.
24. In response to question 5 of EPA's 114 letter, USS reported that for the period of January 1 to March 31, 2016, that on the following dates, the average pressure drop and water flow rate were not averaged in 1-hour periods, and in fact were averaged over five hours or more: 1/12/16, 1/20/16, 1/26/2016, 2/17/16, 2/18/16, 2/24/16, 3/14/16, 3/15/16, 3/27/16.
25. USS's failure to record 1-hour averages for the pressure drop and/or water flow rate on the dates in paragraphs 23 and 24 above are thirteen (13) separate violations of the requirement in 40 CFR § 63.7831(b) to record hourly averages for these CPMS parameters.
26. Subpart FFFFF, § 63.7800(b) requires that affected sources must prepare and operate at all times according to a written operation and maintenance ("O&M") plan for each capture system or control device subject to an operating limit in § 63.7790(b), and that each O&M plan must address the elements of § 63.7800(b)(1) – (7). Section 63.7800(b)(1) requires monthly inspections of the equipment important to the performance of the total capture system (e.g. pressure sensors, dampers, and damper switches). The monthly inspection must include observations of the physical appearance of the equipment (e.g., presence of holes in ductwork or hoods, flow constrictions caused by dents or accumulated dust in the ductwork, and fan erosion). The O&M plan must also include requirements to repair any defect or deficiency in the capture system before the next scheduled inspection. *See* 40 CFR § 63.7800(b)(1).
27. USS's response to question 3 of EPA's 114 letter included monthly MACT inspections from January 2011 to June 2016 for the BOP primary system. These monthly inspections list two problems identified by the facility as "need attention" at the charge hood and seal plates in the R vessel that were included in three consecutive months in 2014 (July – September). The comment repeated for three months for the charge hood is "Arc plate bent away, backplate bending out." The comment repeated for three months for the seal plates is "all of the finger plates between charge duct and vessel hood missing." Based on these identical comments appearing for three consecutive months, EPA believes that each of these failures represents two violations of the requirement in § 63.7800(b) to operate in accordance with the O&M plan by failure to repair such issue before the next scheduled inspection, which is in Part II, Section C.1.2.2(d) of the written O&M plan,
28. ACHD Article XXI, § 2105.49 states: "The person responsible for a source of fugitive emissions, in addition to complying with all other applicable provisions of this Article, shall take all reasonable actions to prevent fugitive air contaminants from



becoming air-borne.” Section 2105.49 is included in the federally-approved Pennsylvania SIP and is therefore also federally-enforceable.

29. During a February 3, 2016 inspection, EPA personnel observed dense fugitive emissions from the top of the BOP shop for approximately 15 minutes. The USS representative, Coleen Davis, radioed BOP shop personnel to investigate, and later explained to the EPA inspector that the fugitive emissions were coming from an open door near the roof of the BOP shop which had been left open by maintenance workers doing a project in the area.
30. On March 28, 2017, ACHD personnel were at the Facility observing compliance testing of the Riley Boilers. During the inspection, ACHD personnel observed dense fugitive emissions from the top of the BOP shop for approximately ten minutes. Coleen Davis of USS explained that the fugitive emissions came from a door near the top of the BOP shop which had mistakenly been left open while maintenance workers were doing a project in the area.
31. On March 30, 2017, Bill Rausch of the ACHD saw five vehicles traveling on an unpaved roadway at the Facility and observed 100% opacity behind each vehicle. The roadways were not watered to control emissions, which is a common action employed by USS to control fugitive emissions.
32. The fugitive emissions observed by EPA personnel in paragraph 29 above, and the fugitive emissions observed by ACHD personnel in paragraphs 30 and 31 above, constitute three separate violations of Article XXI, § 2105.49 of ACHD’s regulations, the Pennsylvania SIP and the CAA because USS personnel did not take reasonable actions, such as closing the BOP shop door or watering roadways, to prevent fugitive contaminants from becoming airborne.
33. ACHD Article XXI, § 2105.03 states that “[a]ll air pollution control equipment required by this Article or any permit or order under this Article, . . . shall be properly installed, maintained, and operated consistent with good air pollution control practice.” In addition, Article XXI, § 2108.01.c.1 requires that the person responsible for a source of air contaminants notify the ACHD within 60 minutes “[i]n the event that any air pollution control equipment, process equipment, or other source of air contaminants breaks down in such manner as to have a substantial likelihood of causing the emission of air contaminants in violation of this Article, or of causing the emission into the open air of potentially toxic or hazardous materials.” Both of these provisions are part of the federally-approved Allegheny County portion of the Pennsylvania SIP and are therefore federally-enforceable.
34. Condition V.E.3.b.2 of the Title V permit issued to USS pertains to the baghouse for the Ladle Metallurgical Facility (“LMF”) and states “Confirm that dust is being removed from hoppers through weekly visual inspections or other means of ensuring the proper functioning of removal mechanisms.” During the compliance testing of the LMF Baghouse system on April 3, 2017, compartments # 1, #3 and #5 were being

tested and compartment #6 was out of service, but ACHD personnel observed that the rotary valve for compartment #5 was inoperable. USS personnel stated that this valve had not worked for some period of time and that USS was using a vacuum truck to empty this compartment. USS did not submit any notification to ACHD of the breakdown of the rotary valve for compartment #5, despite the substantial likelihood of causing a release to the open air of potentially toxic or hazardous dust from the hopper. Operation of the rotary valve on the #5 compartment of the LMF baghouse is a good air pollution control practice.

35. USS's failure to properly maintain and operate the rotary valve on the #5 compartment of the LMF baghouse is a violation of Article XXI, § 2105.03, the Pennsylvania SIP, Section IV.4 of USS's Title V permit, and the CAA. USS's failure to notify ACHD of the breakdown of this equipment, which posed the substantial likelihood of release of potentially hazardous or toxic dust, is a violation of Article XXI, § 2108.01.c.1, the Pennsylvania SIP, Section IV.7.a of the Title V permit, and the CAA.
36. Condition V.D.3.d.2 of the Facility's Title V permit pertains to the BOP shop and states "Confirm that dust is being removed from hoppers through weekly visual inspections or other means of ensuring the proper functioning of removal mechanisms." During the April 13, 2017 compliance testing of the Secondary/Fugitive Baghouse system, compartments #1 through #7, #9 and #10 were being tested and compartment #8 was out of service, but ACHD personnel observed that the rotary valves for compartments #3 and #9 were inoperable. USS did not submit any notice to ACHD of the breakdown of the compartments #3 or #9 rotary valves despite posing a substantial likelihood of causing a release to the air of potentially toxic or hazardous dust. Operation of the rotary valves on the BOP shop Secondary/Fugitive baghouse system is a good air pollution control practice.
37. USS's failure to properly maintain and operate the #3 and #9 rotary valves on the BOP shop Secondary/Fugitive Baghouse system is a violation of ACHD Article XXI, § 2105.03, Section IV.4 of the Title V permit, the Pennsylvania SIP, and the CAA. USS's failure to notify ACHD of the breakdown of this equipment, which posed a substantial likelihood of release of potentially hazardous or toxic dust, is a violation of Article XXI, § 2108.01.c.1, Section IV.7.a of the Title V permit, the Pennsylvania SIP, and the CAA. Thus, these failures are violations of ACHD regulations, the Pennsylvania SIP, and the CAA.
38. Section III.12 the Facility's Title V permit, citing Article XXI, §§ 2103.12.h.5, 2103.22.i.1, requires the filing of an annual certification of compliance which, among other things, must comply with condition 4 [Section III.4] of the permit. Article XXI, § 2102.01 requires that "... any other certification required under this Article shall be signed by a responsible official of the source, and shall state that, based on information and belief formed after reasonable inquiry, the statements and



information in the document are true, accurate, and complete.” Section III.4 of the Facility’s Title V permit contains the same language as Article XXI, § 2102.01.

39. USS’s March 31, 2017 annual Certification of Compliance for 2016 was deemed noncompliant by ACHD on April 25, 2017 for multiple reasons, including: 1) the Facility listed continuous compliance with both Permit Conditions IV.1.a and IV.1.b even though ACHD provided the Facility documentation of visible emissions violations occurring in 2016 via notices of violation dated August 31, 2016, January 4, 2017, and February 8, 2017 and 2) the Facility listed continuous compliance with Permit Condition V.B.2.a. despite the #1 Blast Furnace Stove Stack test being delayed from the required March 2016 testing date until November 2016. The failure to list the visible emission violations in the 2016 Certification of Compliance while claiming continuous compliance with the visible emission requirements are violations of Article XXI, § 2102.01, Section III.4 of the Title V permit, and the CAA.
40. Section III.15 of the Facility’s Title V permit, which cites Article XXI, § 2103.12.k of the ACHD portion of the Pennsylvania SIP, states “[t]he permittee shall submit reports of any required monitoring at least every six (6) months. All instances of deviations from permit requirements must be clearly identified in such reports. All required reports must be certified by the Responsible Official.”
41. USS filed two semi-annual reports with ACHD under Section III.15 of the Title V permit. The first semiannual report, dated 7-29-16, did not indicate a deviation for the delayed testing of the #1 Blast Furnace Stove Stack. The second semiannual report, dated 1-27-2017, did not indicate a deviation for the continued delay in testing of the #1 Blast Furnace Stove Stack or the three Notices of Violation issued to the facility by ACHD as set forth in paragraph 39 above. USS’s failure to report the known delay of the Blast Furnace Stove stack test in the first report, and failure to report the delay of the Stack test and the three visible emission violations in the three Notices of Violations in the second semi-annual report are violations of Sections III.4 and III.15 of the Title V permit, Article XXI, § 2103.12.k, the Pennsylvania SIP and the CAA.

Under Section 113(a)(1) of the CAA, if, on the basis of any information available, the Administrator finds that any person has violated or is in violation of any requirement or prohibition of an applicable implementation plan or permit, the Administrator shall notify the person and the State in which the plan applies of such finding, and 30 days after such notice is issued, may issue an order requiring such person to comply with the permit or provision, issue an administrative penalty order under Section 113(d), or bring a civil action in accordance with Section 113(b) of the CAA.

Under Section 113(a)(3) of the CAA, 42 U.S.C. § 7413(a)(3), if, on the basis of any information available to the Administrator, the Administrator finds that any person has violated, or is in violation of, any requirement or prohibition of, *inter alia*, a permit issued under Title V of the CAA, 42 U.S.C. §§ 7661-7661f, the Administrator may issue an administrative penalty



order under Section 113(d), issue an order requiring compliance with such requirement or prohibition, bring a civil action pursuant to Section 113(b) for injunctive relief and/or civil penalties, or request that the Attorney General commence a criminal action in accordance with Section 113(c).

### **PENALTY ASSESMENT CRITERIA**

Section 113(e)(1) of the Act, as amended, 42 U.S.C. § 7413(e)(1), states that the court, in an action for assessment of civil or criminal penalties shall, as appropriate in determining the amount of penalty to be assessed, take into consideration (in addition to such other factors as justice may require) the size of the business, the economic impact of the penalty on the business, the violator's full compliance history and good faith efforts to comply, the duration of the violation as established by any credible evidence (including evidence other than the applicable test method), payment by the violator of penalties previously assessed for the same violation, the economic benefit of noncompliance, and the seriousness of the violation.

Section 113(e)(2) of the Act, as amended, 42 U.S.C. § 7413(e)(2), allows the court to assess a penalty for each day of the violation. For purposes of determining the number of days of violation, where the plaintiff makes a prima facie showing that the conduct or events giving rise to this violation are likely to have continued or recurred past the date of this notice (or a previously issued air pollution control agency notice for the same violation), the days of the violation shall be presumed to include the date of this notice (or the previous notice of violation) and each and every day thereafter until Respondent establishes that continuous compliance has been achieved, except to the extent that Respondent can prove by the preponderance of the evidence that there were intervening days during which no violation occurred or that the violation was not continuing in nature.

### **OPPORTUNITY FOR CONFERENCE**

Respondent(s) may, upon request, confer with EPA to discuss this Notice. If a conference with EPA is requested, Respondent(s) should be prepared to describe the causes of the violation and to describe any actions Respondent(s) may have taken or proposes to take to bring the Facility into compliance. Respondent(s) have the right to be represented by counsel.

Respondent(s) must submit any request for a conference with EPA within fourteen (14) calendar days of receipt of this Notice. A request for a conference with EPA, and/or any inquiries regarding this Notice, should be submitted in writing to:

James W. Hagedorn  
Air Protection Division (3AP20)  
U. S. Environmental Protection Agency - Region III  
1650 Arch Street  
Philadelphia, PA 19103-2029  
(215) 814-2161

and

Doug Snyder  
Assistant Regional Counsel  
Office of Regional Counsel (3RC10)  
U. S. Environmental Protection Agency - Region III  
1650 Arch Street  
Philadelphia, PA 19103-2029  
(215) 814-2692

#### **EFFECTIVE DATE**

This Notice shall be effective immediately upon receipt.

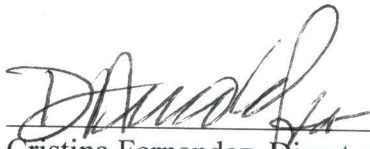
#### **QUESTIONS REGARDING NOTICE OF VIOLATION/NOTICE OF NONCOMPLIANCE**

If you have any questions regarding the issuance of this Notice, you may contact James Hagedorn, at (215) 814-2161, or your counsel may contact Doug Snyder, Assistant Regional Counsel, at (215) 814-2692.

## DISCLOSURE INFORMATION

Certain companies may be required to disclose to the Securities and Exchange Commission ("SEC") the existence of certain pending or known to be contemplated environmental legal proceedings (administrative or judicial) arising under Federal, State or Local environmental laws. Please see the attached "Notice of Securities and Exchange Commission Registrants' Duty to Disclose Environmental Legal Proceedings" for more information about this requirement and to aid you in determining whether your company may be subject to the same.

EPA is enclosing an Information Sheet entitled "U.S. EPA Small Business Resources," (EPA 300-F-99-004, September 1999), which identifies a variety of compliance assistance and other tools available to assist small businesses in complying with Federal and State environmental laws.

  
Cristina Fernandez, Director  
Air Protection Division

11/9/17  
Date